

## REMARKS

The Examiner has rejected all of the claims, claims 1-10 and 12-17, under 35 U.S.C. §102(e) as being anticipated by Mauger U.S. Patent No. 6,522,627. Reconsideration is requested.

The Examiner asserts that column 7 line 64 to column 8 line 23 and Figs. 8 and 8A of Mauger teach "sending a path set up message from the first node to the second node via intermediate nodes that incorporates an explicit route object containing a tunnel identifier of the existing label switched path and an extended tunnel identifier that together specify the label switched for the communications sessions."

As the Examiner explains:

The tunnel identifier of existing label switched path = N2

The extended tunnel identifier = identifier of other nodes to be included in new tunnel such as node S2

Mauger teaches sending a "tunnel connection request with a designated transit list of S2, N2." The connection request taught in Mauger does not incorporate an "explicit route object containing a tunnel identifier of the existing label switched path and an extended tunnel identifier." S2 identifies a Layer 2 Switch (see Fig. 6) and N2 represents a "Logical Group Node" (see Fig. 6A). The connection request includes this information because the originating switch S1 determines from its topology database that a user-B can be reached via S2 and N2 (see col. 8, ll.1-4).

N2 is not a tunnel identifier. Mauger explains that "a sub-network is summarized as a Logical Group Node" (see col. 7, ll. 39-40). Thus N2 comprises a summary of the subnetwork illustrated in Fig. 6. Additionally, Fig. 6 clearly indicates that multiple Engineering Tunnels may be traversed through N2. The tunnel connection request relied on by the Examiner does not identify which Engineered Tunnel will be traversed within N2, only that user-B can be reached via subnetwork N2.

S2 is not an extended tunnel identifier. The tunnel connection request does not contain "an identifier of the other nodes to be included in the new tunnel such as S2." The connection request only contains an identifier of a switch S2 via which user-B can be reached. It does not identify the tunnel that will be traversed from S2 to the Switch hosting user-B and it has no indication of the subsequent nodes that are included in the tunnel.


These comments apply to all of the independent claims. Therefore, it is submitted that a rejection of the claims under 35 U.S.C. §102(e) is incorrect, and should be withdrawn.

Even if the Examiner would consider a rejection under 35 U.S.C. §103 (which the applicant also believes to be inappropriate for the reasons explained above), Mauger and the present application are owned by Nortel Networks Limited and, at the time the invention was made for the present application, were owned by Nortel Networks Limited. Therefore, pursuant to 35 U.S.C. §103(c), Mauger does not preclude patentability since Mauger qualifies as prior art under 35 U.S.C. §102(e).

In view of the foregoing, it is submitted that this application is in condition for allowance, and the Examiner's further and favorable reconsideration in that regard is urged.

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Respectfully submitted

  
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